

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #3	CCRB Case #: 201807314	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/19/2018 3:28 AM	Location of Incident: 486 Metropolitan Avenue; 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 2/19/2020	EO SOL 2/19/2020	
Date/Time CV Reported Mon, 08/20/2018 2:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/03/2018 12:23 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Tejinder Singh	14167	959992	090 PCT
2. POM Michal Jalbrzykowski	21736	959710	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Raymond Ortiz	22796	962649	090 PCT
2. POF Nicole Piridis	16734	957960	090 PCT
3. POM Steven Zawalich	06554	951081	090 PCT
4. SGT Anthony Vassallo	5023	946361	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michal Jalbrzykowski	Discourtesy: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Michal Jalbrzykowski spoke discourteously to § 87(2)(b)	
B.POM Michal Jalbrzykowski	Discourtesy: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Michal Jalbrzykowski spoke discourteously to § 87(2)(b)	
C.POM Tejinder Singh	Off. Language: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Tejinder Singh made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
D.POM Tejinder Singh	Discourtesy: At the 90th Precinct stationhouse, Police Officer Tejinder Singh spoke discourteously to § 87(2)(b)	

Case Summary

On August 20, 2018, § 87(2)(b) filed this complaint with IAB. The CCRB received this case on September 3, 2018.

On August 19, 2018, at approximately 3:28 a.m., PO Tejinder Singh and PO Michal Jalbrzykowski of the 90th Precinct, responded to a report of two males fighting at 486 Metropolitan Avenue, in Brooklyn. At the location, PO Jalbrzykowski used profanities while speaking in the presence of § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)). PO Jalbrzykowski subsequently spoke with § 87(2)(b) and used profanities while speaking with him (**Allegation B: Discourtesy**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were placed in handcuffs. As PO Singh instructed § 87(2)(b) to get in the police vehicle, PO Singh told § 87(2)(b) to stop “acting like a little girl” (**Allegation C: Offensive Language**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were arrested and transported to the 90th Precinct stationhouse (Board Review 12 and 13).

At the 90th Precinct stationhouse, as PO Singh was escorting § 87(2)(b) to the holding cell, he told § 87(2)(b) that § 87(2)(b) was being “an asshole” (**Allegation D: Discourtesy**, § 87(2)(g)).

There is BWC footage capturing this incident.

Findings and Recommendations

Allegation (A) Discourtesy: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Michal Jalbrzykowski spoke discourteously to § 87(2)(b)

It is undisputed that PO Jalbrzykowski used profanities while speaking to § 87(2)(b).

In his CCRB interview, § 87(2)(b) stated that as he was trying to ask the officers why he was being arrested, PO Jalbrzykowski said, “Fuck it,” and placed him in handcuffs (Board Review 01).

The investigation was unable to contact § 87(2)(b) to obtain a sworn statement.

From PO Jalbrzykowski’s BWC footage, PO Jalbrzykowski asks PO Singh what he wanted to do and tells PO Singh, “There’s going to be two under. He’s fucked up” (Board Review 06). PO Jalbrzykowski and PO Singh were standing near § 87(2)(b) when PO Jalbrzykowski made this statement.

In his CCRB statement, PO Jalbrzykowski stated that he made the statement mentioned above because he was referring to § 87(2)(b)’s injuries.

Although § 87(2)(b)’s recollection of what PO Jalbrzykowski specifically said during the incident slightly differs from what was captured in the BWC, the investigation determined that § 87(2)(b) was within earshot of PO Jalbrzykowski when PO Jalbrzykowski said, “He’s fucked up.”

According to NYPD Patrol Guide Procedure 203-10, which is about prohibited conduct by officers when in contact with the public, officers are prohibited from using discourteous or disrespectful remarks (Board Review 17).

Even though PO Jalbrzykowski was not speaking directly to § 87(2)(b) when he used the profanities, PO Jalbrzykowski said, “he’s fucked up,” referring to § 87(2)(b) when in the presence of § 87(2)(b) which is prohibited conduct according to the Patrol Guide, § 87(2)(g).

Allegation (B) Discourtesy: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Michal Jalbrzykowski spoke discourteously to § 87(2)(b)

As noted above, § 87(2)(b) did not provide a statement to the CCRB.

The investigation determined that § 87(2)(b) was not within earshot of the conversation between PO Jalbrzykowski and § 87(2)(b).

From PO Jalbrzykowski’s BWC, as he is speaking to § 87(2)(b) to obtain information in regards to what happened, PO Jalbrzykowski tells § 87(2)(b) “I’m taking your side. Look at your face. I look at him, I don’t see nothing. I look at you, you’re fucked up” (Board Review 07). In his CCRB statement, PO Jalbrzykowski stated that he said, “You’re fucked up,” to § 87(2)(b) because he was beaten up (Board Review 05).

According to NYPD Patrol Guide Procedure 203-10, which is about prohibited conduct by officers when in contact with the public, officers are prohibited from using discourteous or disrespectful remarks (Board Review 17).

The investigation determined from the BWC footage and PO Jalbrzykowski’s testimony that he said, “You’re fucked up,” to § 87(2)(b) to describe § 87(2)(b)’s physical condition, which is prohibited conduct according to the Patrol Guide, § 87(2)(g).

Allegation (C) Offensive Language: At 486 Metropolitan Avenue, in Brooklyn, Police Officer Tejinder Singh made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

In his complaint to IAB, § 87(2)(b) stated that during the incident, he complained that his handcuffs were tight and PO Singh told him to, “stop acting like a girl,” and tightened the handcuffs.

Although § 87(2)(b) alleged that his handcuffs were tightened, because the CCRB was unable to reach § 87(2)(b) to obtain additional information and BWC footage does not show this, this allegation has not been pleaded.

From PO Singh’s BWC footage, PO Singh instructs § 87(2)(b) to sit inside the vehicle, but § 87(2)(b) does not comply (Board Review 08). § 87(2)(b) subsequently complained about his handcuffs being tight and Sgt. Anthony Vassallo loosened them. § 87(2)(b) continued to complain about his handcuffs being tight. In response, PO Singh tells § 87(2)(b).

“He just loosened it. Stop acting like a little girl now.” § 87(2)(b) replies, “Now I’m being called a little girl” and PO Singh says, “‘cause you are.”

In his CCRB statement, PO Singh stated that he called § 87(2)(b) a “little girl” because § 87(2)(b) was acting like a little child since he was refusing to get in the police vehicle even after his handcuffs were loosened (Board Review 04).

According to NYPD Patrol Guide Procedure 203-10, which is about prohibited conduct by officers when in contact with the public, officers are prohibited from using discourteous or disrespectful remarks regarding another person’s gender (Board Review 17).

It is undisputed that PO Singh called § 87(2)(b) a little girl. PO Singh using this term to refer to § 87(2)(b) was discourteous and disrespectful to his gender, which is prohibited conduct according to the Patrol Guide. § 87(2)(g)

Allegation (D) Discourtesy: At the 90th Precinct stationhouse, Police Officer Tejinder Singh spoke discourteously to § 87(2)(b)

From PO Singh’s BWC, while PO Singh was placing § 87(2)(b) in the holding cell, PO Singh tells § 87(2)(b) “I know how you guys do. It’s part of your job, but he’s being an asshole” (Board Review 09). In his CCRB statement, PO Singh stated that he called § 87(2)(b) an “asshole” because of the way he acted.

According to NYPD Patrol Guide Procedure 203-10, which is about prohibited conduct by officers when in contact with the public, officers are prohibited from using discourteous or disrespectful remarks (Board Review 17).

Despite § 87(2)(b)’s actions and demeanor during the incident, PO Singh telling § 87(2)(b) that § 87(2)(b) was an “asshole” is discourteous and disrespectful, which is prohibited conduct according to the Patrol Guide. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) has been a party (Board Review 15 and 16).
- PO Singh has been a member of service for three years and has been a subject a subject in two CCRB complaints and two allegations, none of which were substantiated. PO § 87(2)(g)
- PO Jalbrzykowski has been a member of service for three years and has been a subject in a CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 22, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 14).
- § 87(2)(b)
- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____